

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC#: _____

DATE FILED: June 8, 2021

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MICHAEL PENA,

Plaintiff,

-against-

EARL BELL, *Superintendent, Clinton
Correctional Facility,*

Defendant.
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1:18-cv-04849 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

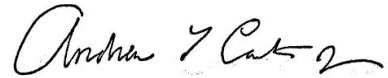
On February 11, 2021, this Court denied Petitioner Michael Pena’s (“Petitioner”) Amended Petition for Writ of Habeas Corpus which concluded, *inter alia*, that a stay pending exhaustion was not warranted. ECF No. 18. On March 7, 2021, Petitioner wrote the Court requesting additional time to prepare a “motion for re-argument.” ECF No. 19. After the Court ordered a response, the Government consented to the extension. ECF Nos. 20, 21. This Court granted an extension to April 20, 2021. ECF No. 22. The Court received Petitioner’s notice of motion and accompanying declaration, which the Court construes as a motion to stay pending exhaustion. ECF Nos. 24, 25. The Government responded to that motion on May 27, 2021. ECF No. 27.

In light of the Opinion and Order of this Court dated February 11, 2021 denying a stay because Pena “ha[d] not shown good cause for failing to exhaust,” Petitioner’s motion to stay is DENIED as moot. Should Petitioner desire to file a motion for reconsideration of his Amended Petition, he should do so within 30 days and in accordance with Local Civil Rule 6.3. Respondent is ORDERED to serve this Order on Petitioner, and file proof of service, by June 11, 2021.

SO ORDERED.

Dated: June 8, 2021

New York, New York

A handwritten signature in cursive script, reading "Andrew L. Carter, Jr.", written in black ink.

ANDREW L. CARTER, JR.
United States District Judge